



DAC
(S) #22

PATENT
Docket No.: 201487/1030 (SEN-002PCT-US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | | | |
|------------|---|---|---|-----------|---------------------|
| Applicants | : | Karube et al. |) | Examiner: | B. Loeb |
| Serial No. | : | CPA of 09/623,970 |) | | |
| Cnfrm. No. | : | 1866 |) | Art Unit: | 1636 |
| Filed | : | March 12, 1999 |) | | RECEIVED |
| For | : | SITE-SPECIFIC CELL PERFORATION TECHNIQUE |) | | JUL 30 2003 |
| | | |) | | OFFICE OF PETITIONS |

**NOTIFICATION REGARDING LOSS OF ENTITLEMENT
TO SMALL ENTITY STATUS AND PAYMENT OF DEFICIENCY PURSUANT TO
37 CFR §§ 1.27(g) and 1.28(c)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR § 1.27(g), applicants hereby notify the U.S. Patent and Trademark Office that the above-identified application is no longer entitled to small entity status.

At the time of filing the above application, small entity status was properly established. However, effective as of November 25, 2002, applicants determined that they would no longer claim small entity status. A change in the status of the present application from small entity to large entity is, therefore, requested.

Pursuant to 37 CFR § 1.28(c), enclosed with this notification is payment for fees owed for the deficient payments resulting from the change from small to large entity status. In particular, on June 9, 2003, applicants filed a Continued Prosecution Application and erroneously paid the small entity filing fee and the small entity fee for a Five-Month Extension of Time. Accordingly, pursuant to 37 CFR § 1.28(c), a check for \$1,360.00 is enclosed, representing the deficiency payment due for the above-identified application as shown in the itemization below.

Adjustment date: 07/30/2003 MAHMED2
06/11/2003 MAHMED1 00000117 09623970
01 FC:2006 -375.00 OP

Adjustment date: 07/30/2003 MAHMED2
06/11/2003 MAHMED1 00000117 09623970
02 FC:2255 -985.00 OP

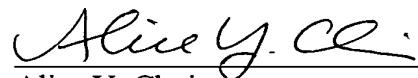
07/30/2003 MAHMED1 00000083 09623970
01 FC:1006 750.00 OP
02 FC:1255 1970.00 OP

| Date | Action - Fees Paid | Amount Paid (Small Entity) | Current Fee (Large Entity) | Amount Owed |
|-------------------------|---|-------------------------------|-------------------------------|-------------|
| 06/9/2003 | Basic Filing Fee | \$375.00 | \$750.00 | \$375.00 |
| 06/9/2003 | Extension for Reply Within Fifth Month | \$985.00 | \$1,970.00 | \$985.00 |
| Current Deficiency Owed | | | | \$1,360.00 |

The Commissioner is authorized to charge any other necessary fees or credit any overpayment to Deposit Account No. 14-1138.

Respectfully submitted,

Date: July 23, 2003



Alice Y. Choi
Registration No. 45,758

NIXON PEABODY LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1508
Facsimile: (585) 263-1600

| Certificate of Mailing - 37 CFR 1.8(a) | |
|---|--------------------------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on the date below. | |
| July 23, 2003 Date | Ruth R. Smith Ruth R. Smith |

O I P E N C A T
JUL 28 2003
U.S. PATENT AND TRADEMARK OFFICE

| | | | |
|--|----|------------------------|-----------------------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | | Application Number | 09/623,970 |
| | | Filing Date | March 12, 1999 |
| | | First Named Inventor | Karube |
| | | Group Art Unit | 1636 |
| | | Examiner Name | B. Loeb |
| Total Number of Pages in This Submission | 15 | Attorney Docket Number | 201487/1030 (SEN-002PCT-US) |

RECEIVED

JUL 30 2003

OFFICE OF PETITIONS

| | | | | |
|--|--|--|--|--|
| ENCLOSURES (check all that apply) | | | | |
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> A copy of the Notice to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | | | |
| | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input checked="" type="checkbox"/> A self-addressed, prepaid postcard for acknowledging receipt <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below)</i> <input checked="" type="checkbox"/> Request for Reconsideration <input checked="" type="checkbox"/> Declaration of Takashi Saitoh <input checked="" type="checkbox"/> Notification Regarding Loss of Entitlement to Small Entity Status | | | |
| | Remarks | | | |
| | <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 14-1138 for the above identified docket number. | | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------------|--|
| Firm or Individual name | Alice Y. Choi Nixon Peabody LLP Clinton Square, P.O. Box 31051 Rochester, New York 14603-1051 Telephone: (585) 263-1508 Fax: (585) 263-1600 |
| Signature | <i>Alice Y. Choi</i> |
| Date | July 23, 2003 |

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

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- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop _____, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) _____.

July 23, 2003

Date

Ruth R. Smith

Signature

Ruth R. Smith

Typed or printed name

**FEE TRANSMITTAL
FOR FY 2003**

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **(\$1,360)**

| <i>Complete if Known</i> | |
|--------------------------|-----------------------------|
| Application Number | 09/623,970 |
| Filing Date | March 12, 1999 |
| First Named Inventor | Karube |
| Examiner Name | B. Loeb |
| Art Unit | 1636 |
| Attorney Docket No. | 201487/1030 (SEN-002PCT-US) |

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

Deposit Account:

Deposit Account Number

14-1138

Deposit Account Name

Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Description | Fee Paid |
|---------------------|--------------|-----------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) |
| 1001 | 750 | 2001 | 375 |
| 1002 | 330 | 2002 | 165 |
| 1003 | 520 | 2003 | 260 |
| 1004 | 750 | 2004 | 375 |
| 1005 | 160 | 2005 | 80 |
| SUBTOTAL (1) | | (\$ 0) | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| | | | |
| Independent Claims | | | |
| Multiple Dependent | | | |

| Large Entity | Small Entity | Fee Description | |
|---------------------|--------------|-----------------|-----|
| Fee Code | Fee (\$) | Fee Code | |
| 1202 | 18 | 2202 | 9 |
| 1201 | 84 | 2201 | 42 |
| 1203 | 280 | 2203 | 140 |
| 1204 | 84 | 2204 | 42 |
| 1205 | 18 | 2205 | 9 |
| SUBTOTAL (2) | | (\$ 0) | |

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Description |
|--|--------------|--|
| Fee Code | Fee (\$) | Fee Code |
| 1051 | 130 | 2051 65 Surcharge - late filing fee or oath |
| 1052 | 50 | 2052 25 Surcharge - late provisional filing fee or cover sheet |
| 1053 | 130 | 1053 130 Non-English specification |
| 1812 | 2,520 | 1812 2,520 For filing a request for <i>ex parte</i> reexamination |
| 1804 | 920* | 1804 920* Requesting publication of SIR prior to Examiner action |
| 1805 | 1,840* | 1805 1,840* Requesting publication of SIR after Examiner action |
| 1251 | 110 | 2251 55 Extension for reply within first month |
| 1252 | 410 | 2252 205 Extension for reply within second month |
| 1253 | 930 | 2253 465 Extension for reply within third month |
| 1254 | 1,450 | 2254 725 Extension for reply within fourth month |
| 1255 | 1,970 | 2255 985 Extension for reply within fifth month |
| 1401 | 320 | 2401 160 Notice of Appeal |
| 1402 | 320 | 2402 160 Filing a brief in support of an appeal |
| 1403 | 280 | 2403 140 Request for oral hearing |
| 1451 | 1,510 | 1451 1,510 Petition to institute a public use proceeding |
| 1452 | 110 | 2452 55 Petition to revive - unavoidable |
| 1453 | 1,300 | 2453 650 Petition to revive - unintentional |
| 1501 | 1,300 | 2501 650 Utility issue fee (or reissue) |
| 1502 | 470 | 2502 235 Design issue fee |
| 1503 | 630 | 2503 315 Plant issue fee |
| 1460 | 130 | 1460 130 Petitions to the Commissioner |
| 1807 | 50 | 1807 50 Processing fee under 37 CFR 1.17(q) |
| 1806 | 180 | 1806 180 Submission of Information Disclosure Stmt |
| 8021 | 40 | 8021 40 Recording each patent assignment per property (times number of properties) |
| 1809 | 750 | 2809 375 Filing a submission after final rejection (37 CFR 1.129(a)) |
| 1810 | 750 | 2810 375 For each additional invention to be examined (37 CFR 1.129(b)) |
| 1801 | 750 | 2801 375 Request for Continued Examination (RCE) |
| 1802 | 900 | 1802 900 Request for expedited examination of a design application |
| Other fee (specify) <u>Deficiency Owed Pursuant to 37 CFR §§ 1.27(g) and 1.28(c)</u> | | 1,360 |

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) **(\$1,360)**

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

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- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) _____

July 23, 2003
Date

Ruth R. Smith
Signature
Ruth R. Smith

Typed or printed name

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|----------------------|-----------------------------------|--------|-----------|----------------------|
| Name (Print/Type) | Alice Y. Choi | Registration No. (Attorney/Agent) | 45,758 | Telephone | (585) 263-1508 |
| Signature | <u>Alice Y. Choi</u> | | | Date | <u>July 23, 2003</u> |

SEND TO: Commissioner for Patents
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Alexandria, VA 22313-1450